IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WP(C).No. 9995 of 2007(M)

PETITIONER:

KAJAH HUSSAIN, S/O MOHAMMED HANEEFA,
HOUSE NO.1/701, EAST STREET, KODUVAYUR,
PALAKKAD DISTRICT.

BY ADV. SRI.G.HARIHARAN

RESPONDENTS:

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1. THE KODUVAYUR GRAMA PANCHAYATH,
KODUVAYUR, PALAKKAD DISTRICT, REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,
THE KODUVAYUR GRAMA PANCHAYATH,
KODUVAYUR, PALAKKAD DISTIRCT.

3. DIVISIONAL FOREST OFFICER,
NEMMARA, PALAKKAD DISTRICT.

R1 BY ADV. SRI.K.R.VINOD.
R3 BY SPL. GOVT. PLEADER SRI. RENJITH THAMPAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.9995 of 2007

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Dated this the 20th day of July, 2007

JUDGMENT

Petitioner prays for a direction to renew Ext.P1 licence without any delay and seeks to quash Ext.P3. The point involved is whether the petitioner can be permitted to continue the unit without obtaining no-objection certificate from the Forest Department. Learned Special Government Pleader appearing for the third respondent Sri. Renjith Thampan points out that even according to the petitioner the application for issuance of no-objection certificate is pending. He submits that a decision will be taken thereon by the third respondent. There is already an interim order that if the licence granted by the Panchayat to the petitioner is not already cancelled, the same will not be cancelled.

The writ petition is disposed of as follows:

The third respondent will consider and take a decision on the application filed by the petitioner seeking no-objection. If the petitioner has not already filed an application, the petitioner may file an

application within three weeks from the date of receipt of a copy of this judgment seeking no-objection. A decision will be taken on the application submitted, if it is already filed, within six weeks from the date of production of a copy of this judgment. If it is not filed and the petitioner files an application within three weeks from the date of receipt of a copy of this judgment, a decision will be taken thereon within a period of six weeks from the date of receipt of the application. In the meantime the petitioner will be permitted to continue to operate the unit and the interim order passed by this court will continue. Even though Ext.P8 stop memo has been issued, the petitioner is permitted to operate the unit till a decision is taken. I leave open all the contentions of the petitioner.

(K.M. JOSEPH, JUDGE)

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